

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

**IN THE MATTER OF:**

<b>AMENDMENTS TO 312 IAC 13,</b>	)	<b>Administrative Cause</b>
<b>RULES GOVERNING WATER WELL</b>	)	<b>Number 10-065W</b>
<b>PUMP INSTALLERS</b>	)	
	)	<b>(LSA Document #11-332(F))</b>

**REPORT ON RULE PROCESSING, PUBLIC HEARING,  
WRITTEN COMMENTS, AND HEARING OFFICER ANALYSES AND  
RECOMMENDATION REGARDING FINAL ADOPTION**

**1. RULE PROCESSING**

For consideration are proposed amendments to rules governing water well drillers (312 IAC 13), to provide for the licensing of water well pump installers, to establish process for continuing education for both pump installers and water well drillers, and to assist with the implementation of Public Law 84-2010. The proposed amendments are largely a consequence of P.L. 84 (SEA 356) that amended IC § 25-39 and became effective July 1, 2010.

Shortly after P.L. 84-2010 was enacted, the DNR's Division of Water began drafting proposed amendments to assist with its implementation. On March 25, Administrative Cause Number 10-065W was opened. The Division of Water forwarded its draft amendments to the Natural Resources Commission's Division of Hearings on March 29. The Division of Hearings made an initial effort to format this draft and returned the formatted draft to the Division of Water on March 31, 2010.<sup>1</sup>

The Commission gave preliminary adoption to the rule amendments on September 21, 2010. As reported in the pertinent portions of the September 21 minutes:

---

<sup>1</sup> IC 4-22-2-19(c) states that "[a]n agency shall...begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule".

Mark Basch, Section Head for the Division of Water's Water Rights/Use Section, presented this item. Rule amendments are proposed in response to the SEA 356, which provides licensing of water well pump installers and continuing education for water well drillers and for pump installers. The Indiana Groundwater Association, an association of water well drillers, has promoted the licensing of pump installers and continuing education for the past several years "mainly due to concerns about inappropriate pump installation and potential impacts to the groundwater resource". A "water well pump installer" is a person who installs or repairs water well pumps. Currently, there is a license for water well drillers. With the amendments, a single license is anticipated, but the license would have "endorsements for an individual be it a driller and/or pump installer, or both on a particular license".

Basch said the statute and proposed rules also require a total of six hours of continuing education every two years for renewal of licenses for a water well driller or pump installer. A total of twelve hours would be required every two years for a person with an endorsed license covering water well drilling and pump installation. The statute allows for the Department to contract with the Indiana Groundwater Association to administer the continuing education program. Basch said the Association and members of the Plumbing and Heating Contractors Association have provided input on the rule proposal. The Department has attended the annual meetings of both associations to provide information and to receive feedback from the members. "So, we feel like what is in front of you is a fairly good representation of what the industry is looking for and what we would like to see in order to meet" statutory provisions. He recommended the proposed rule amendments be given preliminary adoption.

Martha Mettler Clark noted that the proposed amendment to the definition of "public water supply well" at 312 IAC 13-1-20 is aligned with IDEM's definition of "public water supply system", which "gets everything in sync" with the Safe Drinking Water Act. She noted, however, IDEM's definition is qualified by the words "used for human consumption." She asked whether there was any significance to the Department's omission of this qualifier from proposed amendment to 312 IAC 13-1-20.

Basch responded that the Division of Water consulted IDEM's Public Water Supply Section in drafting the proposed amendment. "If that was a concern, we sure could revise that during this process." He noted the existing rules governing water well construction include references to IDEM's definition.

Mettler Clark asked whether the Division of Water has previously coordinated a continuing education program. Basch responded the Division of Water had not coordinated any continuing education program, but "we are learning about it".

Mettler Clark continued, "One thing that we have encountered with ours is that if you were to reject those credits that people like to have an opportunity to appeal that denial. I wasn't sure if that was in" the proposed rule.

Basch said, "We will take note of that."

Steve Lucas, Director of the Commission's Division of Hearings, added: "Mark and I have talked about that a little bit and this issue has comes up recently in several contexts. I think the Commissioner's point is very well taken." Whether it says it or not in the rule, the right exists. "It would probably be better to say it expressly than to have it be merely implicit."

Bruce Moss, representing the Indiana Groundwater Association (“IGWA”), said he and others that are in attendance are contractors. The IGWA was in favor of the amendments. “We are more here to answer questions.... Our primary purpose is to protect our natural resource, water, and that was the whole premise behind this licensing and continuing education.”

Fred McInnis [*sic.*, McAninch], a member of the IGWA but representing himself, said he was also a member of the National Groundwater Association and serves on two committees. “I have been a local water well contractor from Hendricks County, Washington Township, since 1964.” In conjunction with his national membership, he works with various state organizations that have continuing education. “I am pretty familiar with it, and I am definitely in favor of it. As a contractor for this long, I have looked forward to this for a long time.” He “definitely supports” the proposed amendments. McInnis [*sic.*, McAninch] said Illinois, Michigan, and Kentucky have “agreed to support us. So, we are getting national support.... We have a lot of information and input that we can touch on. We’ve got a lot of background in this, and I think the Commission needs to know this.”

Jane Ann Stautz moved to approve for preliminary adoption amendments to 312 IAC 13 governing water well drillers. Martha Mettler Clark seconded the motion. Upon a voice vote, the motion carried.

The “Notice of Intent” to adopt a proposed rule amendment was posted to the INDIANA REGISTER at 20110615-IR-312110332NIA on June 15, 2011. The notice identified Mark Basch, Department of Natural Resources, Division of Water, as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

As specified by Executive Order, proposed fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on June 20, 2011. In a letter dated August 18, 2011, Adam M. Horst, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The Division of Hearings submitted the rule proposal to the Legislative Services Agency, along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”), on August 30, 2011. The Notice of Public Hearing was submitted to the Legislative Services Agency on August 31, 2011. On September 14, 2011, the following were posted to the INDIANA REGISTER: the text of the proposed rule at 0110914-IR-312110332PRA; the notice of public hearing along with the justification statement (IC 4-22-2-24(d)(3)) at 20110914-IR-312110332PHA; and the Economic Impact Statement at 20110914-IR-312110332EIA. Following receipt of an “Authorization to Proceed” from the Legislative

Services Agency on August 31, 2011, the Division of Hearings caused a Notice of Public Hearing to be published by the Indianapolis Newspapers in the Indianapolis *Daily Star*, a newspaper of general circulation in Marion County Indiana, on September 12, 2011. In addition, the notice of the public hearing and a summary of the proposed rule changes were published on the Commission's web-based electronic calendar.

A copy of the economic impact analysis for small business was submitted to the Indiana Economic Development Commission (the "IEDC") on September 2, 2011. Eric P. Shields, Policy Director for the IEDC, reviewed the analysis and reported favorably to the Commission by an email letter dated October 4, 2011. Later on the same day, the Commission's Division of Hearings, by email, thanked the IEDC. The response stated in part: "Since you have commented favorably upon the agency's fiscal analysis, and have suggested no alternatives, it will recommend that the Natural Resources Commission move forward with consideration for final adoption." The IEDC's comments were posted to the Commission's Website on October 4, 2011 at <http://www.in.gov/nrc/2348.htm>, and were also made available at the public hearing.

## **2. PUBLIC HEARING AND WRITTEN COMMENTS**

### **a) Public Hearing**

On October 14, 2011, the public hearing was convened as scheduled by Jennifer Kane of the Division of Hearings. In attendance were Mark Basch, Section Head of the Water Rights and Use Section of DNR's Division of Water; Laura Cirrello-Benedict and Brenda Dant of the Indiana Association of Plumbers-Heating-Cooling-Contractors, Inc. ("IN PHCC"); and Donna Sheets and Leroí Raghunath of the Indiana Groundwater Association ("IGWA").

Mark Basch outlined the proposed amendments and participation by the regulated communities in their development. He referenced several technical corrections that would be suggested for final adoption. He spoke more particularly about written comments regarding the definition of "bedrock formation" and about providing an exemption for monitoring wells and dewatering wells. Basch said he believed the comment regarding "bedrock formation" was persuasive. He said he would recommend modifying the definition of "bedrock formation" and adding new definitions for "bedrock aquifer" and "unconsolidated aquifer" to respond to the comment. Basch reflected an interest in allowing continuing education to be taken belatedly if an applicant demonstrated a compelling reason for not meeting the proposed regulatory deadlines. Also, he stated the DNR supported language to clarify that hours taken in one two-year period could not be carried over to the next two-year period.

**b) Written Comments**

Written comments were received through the Commission's online comment form accessible at <http://www.in.gov/nrc/2377.htm>. It was announced at the public hearing that the comment period would remain open through October 17, 2011. The following comments were submitted as follows:

**Commentor Name** Frank Kulhawick

**Commentor County** 49

**Commentor State** IN

**Commentor City** i

**Commentor Organization**

**Commentor Email** [Email Commentor](#)

**Comment** Why do we need to add more government to manage how we drill wells? This appears to be more government at more cost. No I do not support any changes or the cost of government to "regulate" this activity. If this is REALLY required by the people of Indiana, then let a private company do the work but not the government.

Regards,

Frank

**Time stamp** 05/07/2011 08:09:54 AM

**Commentor Name** John Kevin Haendiges

**Commentor County** 31

**Commentor State** IN

**Commentor City** Ramsey

**Commentor Organization**

**Commentor Email** [Email Commentor](#)

**Comment** Sounds like an idea whose time has come, I approve as written.

**Time stamp** 05/26/2011 05:14:59 PM

**Commentor Name** JR Cates

**Commentor County** 79

**Commentor State** IN

**Commentor City** West Lafayette

**Commentor Organization**

**Commentor Email** [Email Commentor](#)

**Comment** I understand slot limits, but I have been fishing the rivers and streams in Indiana for my entire life. In the last few years I have been catching more fish and bigger fish. I don't understand why you want people to take out the small black bass from the population. With a slot limit you can take and black bass from 1"-12". There is a lot of cannibalism if small rivers and streams. You will be taking forage out. Also, tournaments will be hurt because you can no longer have a limit of fish 15" and over. a slot limit that would be 15"-18" would be better because you would be selecting the best species for reproduction in the rivers.

Thanks

**Time stamp** 09/02/2011 10:45:53 AM

**Commentor Name** Michael D. Ruark  
**Commentor County** 61  
**Commentor State** IN  
**Commentor City** Rockville  
**Commentor Organization**  
**Commentor Email** [Email Commentor](#)

**Comment** The proposed definition of "Bedrock Formation" is poor. The proposed definition would be for a Bedrock Aquifer. Numerous "bedrock formations" exist that do not have the characteristics described. Context withstanding, this definition will most likely be problematic, especially in legal situations.

**Time stamp** 09/15/2011 05:34:26 AM

**Commentor Name** Eric Lomax  
**Commentor County** 29  
**Commentor State** IN  
**Commentor City** Fishers  
**Commentor Organization** ATC Associates Inc.  
**Commentor Email** [Email Commentor](#)

**Comment** I do not believe the following section should apply to monitoring wells. Monitoring wells do not need to be installed very far below the static water level in order to provide the desired information.

Sec. 3.5. Unless otherwise approved by the department, a water well that is completed:

(1) in an unconsolidated formation shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and

(2) in a bedrock formation shall be equipped with a pumping apparatus that provides at least fifty (50) feet of available drawdown.

**Time stamp** 09/26/2011 12:28:40 PM

**Commentor Name** Brenda Dant  
**Commentor County** 49  
**Commentor State** IN  
**Commentor City** Indianapolis  
**Commentor Organization** IN Assn Plumbing-Htg-Clg Contractors  
**Commentor Email** [Email Commentor](#)

**Comment** The Indiana PHCC Association is agreeable to the proposed Rules clarification for the carry over of continuing education as presented by the DNR, Division of Water staff at the Public Hearing on October 14, 2011.

**Time stamp** 10/17/2011 10:30:27 AM

**Commentor Name** Bruce Moss  
**Commentor County** 9  
**Commentor State** IN  
**Commentor City** Galveston  
**Commentor Organization** IGWA  
**Commentor Email** [Email Commentor](#)

**Comment** I am a board member for the Indiana Ground Water Association. I would like to suggest that there be a "dead line", to carry over CEU's to the following year. Example: If a person hasn't accumulated the 6 credits to maintain their license by year end 2012, to maintain their license for the following 2 years, they may carry them over into the following year, 2013, for a maximum of 30 days. After 30 days, the credits are void.

Bruce Moss, President/CEO  
 MOSS WELL DRILLING, INC.

**Time stamp** 10/17/2011 01:09:45 PM

### 3. HEARING OFFICER ANALYSES AND RECOMMENDATION REGARDING FINAL ADOPTION

Public comments concerning the rule proposal were modest in number but address several different subjects. They are addressed separately by commentator.

Frank Kulhawick questioned the need for new laws to address the subjects included in the proposed rule amendments. He does not specify whether his grievance is with P.L. 84-2010 or with an aspect of the rule amendments. The decision to enact P.L. 84 was properly within the Indiana General Assembly and the Governor and is not subject to Commission review. In concept, the proposed rules are a good faith effort to implement P.L. 84 within the scope of IC § 25-39.

John Kevin Haendiges expressed support for the rule proposals as published.

JR Cates wrote concerning slot limits. His comments are directed to another rule adoption, possibly LSA Document #11-358.

Michael D. Ruark wrote:

The proposed definition of “Bedrock Formation” is poor. The proposed definition would be for a Bedrock Aquifer. Numerous “bedrock formations” exist that do not have the characteristics described. Context withstanding, this definition will most likely be problematic, especially in legal situations.

During the public hearing, Mark Basch said the Division of Water supported modifying the rule language as urged by Ruark. Basch augmented his oral support in an October 20, 2011 email to the hearing officer:

Division of Water staff agree with the comment, and believe the definition of “Bedrock formation” in the proposed rule may not be applicable to all hydrogeologic conditions and would be more appropriately considered as the definition of “Bedrock aquifer”. The definition of bedrock aquifer already exists in Rule 312 IAC 12.... Changing the definition of bedrock formation to bedrock aquifer would be more appropriate for the implementation of Section 23 of the proposed rule as water wells generally are generally constructed in aquifers. To be consistent with this suggested revision, Division of Water staff believe that unconsolidated aquifer should be defined in the proposed rule and referenced accordingly in Section 23. “Unconsolidated aquifer” has already been defined in Rule 312 IAC 12.... Division staff believe that subsequent references to bedrock aquifer, bedrock formation, unconsolidated aquifer and unconsolidated formation in Rule 312 IAC 13 should also be revised to reflect changes and additions of these definitions. Division staff propose adding a definition of “Bedrock formation” which is consistent with the definition of unconsolidated formation and would be applicable to the rule.

The hearing officer concludes that the current proposal to define “bedrock formation” is not erroneous but may address a concept that is overly broad, and, as such, become subject to

misinterpretation. An aquifer is one kind of formation. Ruark's comments should be incorporated into modifications. The new definition in proposed 312 IAC 13-1-3.7 should be refined from "bedrock formation" to one for "bedrock aquifer" in proposed 312 IAC 13-1-3.7 to read as follows:

**"Bedrock ~~formation~~ aquifer" means a consolidated water-bearing ~~material~~ formation that has the ability to receive, store, and transmit water in an amount sufficient to satisfy a beneficial use.**

The term "bedrock formation" used in 312 IAC 13-4-3.5(2)<sup>2</sup> should then be replaced by the term "bedrock aquifer" so the subdivision reads as follows:

**(2) in a bedrock ~~formation~~ aquifer shall be equipped with a pumping apparatus that provides at least fifty (50) feet of available drawdown.**

For continuity within this article and 312 IAC 12<sup>3</sup>, the term "unconsolidated formation" should also be modified to "unconsolidated aquifer" as follows:

**"Unconsolidated ~~formation~~ aquifer" means geologic material or deposits, ~~overlying~~ other than bedrock, ~~such as~~ that can receive, store, and transmit water in amounts that will satisfy a beneficial use. Examples of these geologic materials and deposits include sand and gravel, ~~and~~ clay.**

The modification from "unconsolidated formation" to "unconsolidated aquifer" would again be included in 312 IA 13-14-3.5:

**(1) in an unconsolidated ~~formation~~ aquifer shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and**

Other modifications suggested by the DNR are not recommended for final adoption at this time. They may exceed the scope of Ruark's comments and so may not be supportable as logical outgrowths of the rule proposal. The amendments contained in this rule proposal are a substantial step forward, and the need for future corrections or clarifications seems likely. Other modifications suggested by DNR should be deferred to a subsequent rule adoption.

Eric Lomax wrote:

I do not believe the following section should apply to monitoring wells. Monitoring wells do not need to be installed very far below the static water level in order to provide the desired information.

Sec. 3.5. Unless otherwise approved by the department, a water well that is completed:

- (1) in an unconsolidated formation shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and
- (2) in a bedrock formation shall be equipped with a pumping apparatus that provides at

<sup>2</sup> With the modifications recommended based on comments by Eric Lomax discussed later, this reference would be to 312 IAC 13-4-3.5(a)(2).

<sup>3</sup> This definition would mirror the definition in 312 IAC 12-1-8.



least fifty (50) feet of available drawdown.

Mark Basch stated he agreed with Lomax's comment, and for similar reasons as apply to monitoring wells, the drawdown requirements were also unneeded for dewatering operations. The protections which are generally provided by drawdown requirements are inapplicable to monitoring wells and dewatering wells and could even be counterproductive to their purposes. In an October 20 email, Basch wrote:

Division staff agree with the comment, and believe the minimum drawdown requirements for pump settings proposed in Section 23 should not apply to monitoring wells. The Division also believes that wells installed for dewatering operations should be excluded from the available drawdown requirements of this section. Monitoring wells and dewatering wells are currently excluded from Sections 3-2, 4-1, 4-4, 6-1, 6-2, 6-3, 7-1 and 9-1 of Rule 312 IAC 13.

Consistent with Lomax's comment and the DNR response, monitoring wells and dewatering wells should be excepted from 312 IAC 13-4-3.5 through a new subdivision that reads:

**(b) This section does not apply to a monitoring well or a dewatering well.**

The prior paragraph of the section should then be designated as subsection "(a)".

At public hearing, Mark Basch discussed the possibility of refining aspects of the application of continuing education requirements. The Indiana Association of Plumbers-Heating-Cooling Contractors, Inc. ("IN PHCC") and the Indiana Groundwater Association ("IGWA") expressed general support at the public hearing for the proposed amendments. Brenda Dant of the IN PHCC and Bruce Moss of the IGWA supplemented the verbal comments of these organizations with emails that were directed to refining aspects of continuing education requirements.

Brenda Dant wrote:

The Indiana PHCC Association is agreeable to the proposed Rules clarification for the carry over of continuing education as presented by the DNR, Division of Water staff at the Public Hearing on October 14, 2011.

Bruce Moss stated:

I am a board member for the Indiana Ground Water Association. I would like to suggest that there be a "dead line", to carry over CEU's to the following year. Example: If a person hasn't accumulated the 6 credits to maintain their license by year end 2012, to maintain their license for the following 2 years, they may carry them over into the following year, 2013, for a maximum of 30 days. After 30 days, the credits are void.

The hearing officer recommends that the concepts suggested by these comments, and consistent with suggestions by the DNR, be included in new subsections to 312 IAC 13-2-3.3 to read as follows:

**(c) If a licensed water well driller or a licensed water well pump installer demonstrates good cause for a delay in completing continuing education requirements, the department may approve hours for continuing education that are taken after the periods prescribed by subsection (a) or (b).**

**(d) Hours earned under subsection (a) through (c) cannot be applied to the following two (2) year cycle for continuing education.**

These modifications are believed to give the DNR reasonable flexibility and to offer the regulated community additional clarity. With these amendments, proposed subsection “(c)” should be re-lettered as subsection “(e)”.

The hearing officer also recommends the following technical corrections:

- In 312 IAC 13-1-19.7, remove the word “contaminates” and substitute the word “contaminants” to correct a grammatical error.
- In 312 IAC 13-2-3, add the phrase “under section 1(a) of this rule” to 312 IAC 13-2-3 to provide better clarity.
- In 312 IAC 13-2-6, replace the phrase “his or her”<sup>4</sup> with “an” for greater simplicity and for better consistency with other Commission rules.

With these modifications incorporated into Exhibit “A”, as attached, the hearing officers recommend final adoption.

Dated: October 24, 2011

---

Stephen L. Lucas  
Hearing Officer

---

Jennifer M. Kane  
Hearing Officer

---

<sup>4</sup> The existing text uses the word “his”. Legislative Services Agency inserted “or her” as an amendment.

## Exhibit “A”

### TITLE 312 NATURAL RESOURCES COMMISSION

#### Final Rule

LSA Document #11-332(F)

#### DIGEST

Amends 312 IAC 13-1-8, 312 IAC 13-1-20, 312 IAC 13-1-24, 312 IAC 13-2-1, 312 IAC 13-2-2, 312 IAC 13-2-3, 312 IAC 13-2-6, 312 IAC 13-3-1, 312 IAC 13-4-3, 312 IAC 13-10-2, 312 IAC 13-11-1, 312 IAC 13-11-2, 312 IAC 13-12-1, 312 IAC 13-12-2, and 312 IAC 13-12-3 and adds 312 IAC 13-2-3.3, 312 IAC 13-2-3.5, 312 IAC 13-2-3.7, and 312 IAC 13-4-3.5, which govern water well drillers, to provide for the licensing of water well pump installers and continuing education for pump installers and water well drillers, and assist with the implementation of P.L.84-2010. Adds 312 IAC 13-1-3.2, 312 IAC 13-1-3.7, 312 IAC 13-1-6.3, 312 IAC 13-1-11.5, 312 IAC 13-1-19.3, 312 IAC 13-1-19.5, 312 IAC 13-1-19.7, 312 IAC 13-1-20.4, 312 IAC 13-1-24.8, 312 IAC 13-1-26, and 312 IAC 13-1-27 concerning definitions. Makes numerous technical corrections. Effective 30 days after filing with the Publisher.

**312 IAC 13-1-3.2; 312 IAC 13-1-3.7; 312 IAC 13-1-6.3; 312 IAC 13-1-8; 312 IAC 13-1-11.5; 312 IAC 13-1-19.3; 312 IAC 13-1-19.5; 312 IAC 13-1-19.7; 312 IAC 13-1-20; 312 IAC 13-1-20.4; 312 IAC 13-1-24; 312 IAC 13-1-24.8; 312 IAC 13-1-26; 312 IAC 13-1-27; 312 IAC 13-2-1; 312 IAC 13-2-2; 312 IAC 13-2-3; 312 IAC 13-2-3.3; 312 IAC 13-2-3.5; 312 IAC 13-2-3.7; 312 IAC 13-2-6; 312 IAC 13-3-1; 312 IAC 13-4-3; 312 IAC 13-4-3.5; 312 IAC 13-10-2; 312 IAC 13-11-1; 312 IAC 13-11-2; 312 IAC 13-12-1; 312 IAC 13-12-2; 312 IAC 13-12-3**

SECTION 1. 312 IAC 13-1-3.2 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 13-1-3.2 “Available drawdown” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 3.2. “Available drawdown” means the distance between the static water level and the pump setting.** (*Natural Resources Commission; 312 IAC 13-1-3.2*)

SECTION 2. 312 IAC 13-1-3.7 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 13-1-3.7 “Bedrock aquifer” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 3.7. “Bedrock aquifer” means a consolidated water-bearing formation that has the ability to receive, store, and transmit water in an amount sufficient to satisfy a beneficial use.** (*Natural Resources Commission; 312 IAC 13-1-3.7*)

SECTION 3. 312 IAC 13-1-6.3 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 13-1-6.3 “Business day” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 6.3. “Business day” has the meaning set forth in 610 IAC 6-1-2.** *(Natural Resources Commission; 312 IAC 13-1-6.3)*

SECTION 4. 312 IAC 13-1-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-1-8 “Competency examination” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 8. “Competency examination” means an examination given by the department that is designed to establish the capability and skill of an individual to operate as a water well driller **or water well pump installer.** *(Natural Resources Commission; 312 IAC 13-1-8; filed Nov 22, 1999, 3:34 p.m.: 23 IR 763; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA)*

SECTION 5. 312 IAC 13-1-11.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-11.5 “Direct supervision” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 11.5. “Direct supervision” means to be physically present, on the job site, or otherwise in close proximity so as to be able to respond promptly and effectively in person.** *(Natural Resources Commission; 312 IAC 13-1-11.5)*

SECTION 6. 312 IAC 13-1-19.3 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-19.3 “Personal use” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 14-8-2-202; IC 25-39**

**Sec. 19.3. “Personal use” means the use of a water well or water well pumping equipment for water supply purposes if either:**

- (1) located on property owned or in possession of a person as defined in IC 14-8-2-202; or**
- (2) with respect to a public water supply utility, possessed by a permanent employee of the public water supply utility.**

*(Natural Resources Commission; 312 IAC 13-1-19.3)*

SECTION 7. 312 IAC 13-1-19.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-19.5 “Pitless adapter” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 19.5. “Pitless adapter” means an assembly of parts that:**

- (1) allows water to pass through the wall of the well casing or extension of the well casing;**
- (2) provides access to the well and the parts of the pumping system within the well;**
- (3) provides for the transportation of water; and**
- (4) protects the well from contamination at or near the surface.**

*(Natural Resources Commission; 312 IAC 13-1-19.5)*

SECTION 8. 312 IAC 13-1-19.7 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-19.7 "Pitless unit" defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 19.7. "Pitless unit" means a factory assembled device consisting of the pitless adapter, a mechanism that attaches to the well casing, and a well casing riser in a single unit to prevent contaminants from entering the well. (Natural Resources Commission; 312 IAC 13-1-19.7)**

SECTION 9. 312 IAC 13-1-20 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-1-20 "Public water supply well" defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 20. "Public water supply well" means a well that provides a source of water to a community public water system as defined in 327 IAC 8-2-1 that**

**(1) serves a residential population; and either of the following:**

**(2) is defined as having fifteen (15) or more service connections or serving at least twenty-five (25) year-round residents.**

**(1) At least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.**

**(2) At least fifteen (15) service connections used by nonresidents or regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.**

*(Natural Resources Commission; 312 IAC 13-1-20; filed Nov 22, 1999, 3:34 p.m.: 23 IR 764; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA)*

SECTION 10. 312 IAC 13-1-20.4 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-20.4 "Pump installation" defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 20.4. (a) Except as provided in subsection (b), "pump installation" means placement and preparation for operation of equipment and materials used in withdrawing or obtaining water from a well. The term includes construction to enter the well and to establish seals and safeguards to protect water from contamination.**

**(b) The term does not apply to activities in association with a monitoring well or a dewatering well. (Natural Resources Commission; 312 IAC 13-1-20.4)**

SECTION 11. 312 IAC 13-1-24 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-1-24 "Unconsolidated aquifer" defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 24. "Unconsolidated formation aquifer" means geologic material or deposits, overlying other than bedrock, such as that can receive, store, and transmit water in amounts that will satisfy a beneficial use. Examples of these geologic materials and deposits include sand and gravel, and**

~~day.~~ (Natural Resources Commission; 312 IAC 13-1-24; filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA)

SECTION 12. 312 IAC 13-1-24.8 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-24.8 “Well cap” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 24.8. “Well cap” means a welded, threaded, glued, or mechanically attached apparatus that:**

- (1) overlaps the top of the well casing or pitless unit with a downward flange; and**
- (2) encloses the atmospheric termination of a well casing or pitless unit.**

*(Natural Resources Commission; 312 IAC 13-1-24.8)*

SECTION 13. 312 IAC 13-1-26 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-26 “Well seal” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 26. “Well seal” means a device used to establish a watertight closure at the atmospheric termination of the well casing or pitless unit to prevent contaminants and other materials from entering a well.** *(Natural Resources Commission; 312 IAC 13-1-26)*

SECTION 14. 312 IAC 13-1-27 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-1-27 “Well vent” defined**

**Authority: IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 27. “Well vent” means an opening at the upper terminal of a well to provide:**

- (1) equalization of air pressure in the well; or**
- (2) release of gases.**

*(Natural Resources Commission; 312 IAC 13-1-27)*

SECTION 15. 312 IAC 13-2-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-2-1 Application form**

**Authority: IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39-3-3**

**Sec. 1. (a) An initial application for a license as a water well driller or water well pump installer must be completed on a departmental form and must include the following:**

**(1) The:**

- (A) name;**
- (B) current address;**
- (C) telephone number; and**
- (D) birth date;**

**of the applicant.**

(2) The:

(A) type of drilling **or pump installation** equipment the applicant uses; and ~~the~~

(B) number of years the applicant has operated that type of equipment.

(3) The applicable employment experience of the applicant.

(4) The signature of the applicant attesting to or affirming the accuracy of the information on the application.

(5) The license fee established under section 2 of this rule.

(6) Statements by references under IC 25-39-3-3(a)(2).

(b) Subsequent applications must provide what is required in subsection (a)(1), (a)(4), and (a)(5).  
(*Natural Resources Commission; 312 IAC 13-2-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 16. 312 IAC 13-2-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-2-2 License fee; duplicate license**

**Authority: IC 25-1-8-2; IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 2. (a) The fee to accompany any application for a license as a water well driller **or water well pump installer** is one hundred dollars (\$100) for a calendar year.

(b) A person who is issued a license as a water well driller **or water well pump installer** may apply to the department for a duplicate license (which is effective during the same calendar year) if the original license:

(1) is lost;

(2) is stolen;

(3) is destroyed; or

(4) otherwise becomes unavailable to the driller.

(*Natural Resources Commission; 312 IAC 13-2-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 17. 312 IAC 13-2-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-2-3 License renewals and restorations**

**Authority: IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 3. (a) A license may be renewed for the following year, without examination, under section 1(b) of this rule.

(b) ~~A license that has been expired in excess of one (1) year may be reinstated only upon successful completion by the applicant of a competency examination and the completion of an application and submission of the license fee.~~

**(b) An applicant for license renewal must:**

**(1) include a copy of forms verifying the hours of approved continuing education completed; and**

**(2) attest to compliance with all continuing education requirements.**

(c) If at least one (1) year has passed since a person's license expired, the person must again:  
(1) satisfy a competency examination;  
(2) complete an application under section 1(a) of this rule; and  
(3) submit a license fee;  
before restoration of the license.

(e) (d) A water well driller **or water well pump installer** must deliver a completed renewal application form to the division at least five (5) ~~working~~ **business** days before the renewal is to become effective. (*Natural Resources Commission; 312 IAC 13-2-3; filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 18. 312 IAC 13-2-3.3 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-2-3.3 Continuing education requirements**

**Authority: IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 3.3. (a)** A licensed water well driller who has held a license for at least one (1) calendar year must complete at least six (6) hours of approved continuing education before December 31 of each even-numbered year and must retain the following information for each course completed:

- (1) The number of hours spent in the continuing education course.
- (2) The name of the person or organization presenting the continuing education course.
- (3) The date, location, and title of the continuing education course.
- (4) The number of hours of continuing education awarded for the course.

**(b)** A licensed water well pump installer who has held a license for at least one (1) calendar year must complete at least six (6) hours of approved continuing education before December 31 of each even-numbered year and must retain the following information for each course completed:

- (1) The number of hours spent in the continuing education course.
- (2) The name of the person or organization presenting the continuing education course.
- (3) The date, location, and title of the continuing education course.
- (4) The number of hours of continuing education awarded for the course.

**(c)** If a licensed water well driller or a licensed water well pump installer demonstrates good cause for a delay in completing continuing education requirements, the department may approve hours for continuing education that are taken after the periods prescribed by subsection (a) or (b).

**(d)** Hours earned under subsection (a) through (c) cannot be applied to the following two (2) year cycle for continuing education.

**(e)** A licensed water well driller and a licensed water well pump installer must maintain verification of attendance in a continuing education course for at least three (3) years. (*Natural Resources Commission; 312 IAC 13-2-3.3*)

SECTION 19. 312 IAC 13-2-3.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-2-3.5 Approval of continuing education courses**

**Authority: IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39**



**Sec. 3.5. (a) The department may approve a continuing education course for purposes of this rule that addresses one (1) of the following topics:**

- (1) Water well construction, rehabilitation, and abandonment.**
- (2) Installation and repair of water well pumping equipment.**
- (3) Grouting of water wells.**
- (4) Water well disinfection and water sample collection.**
- (5) Pumping test procedures and ground water resource evaluations.**
- (6) Evaluation and remediation of ground water contamination.**
- (7) Another topic approved by the department under IC 25-39.**

**(b) A person applying for approval of a continuing education course must provide the following information to the department:**

- (1) The name of the person or organization presenting the continuing education course.**
- (2) The title of the course and subjects that will be presented.**
- (3) The date, location, and time schedule of the course.**
- (4) The number of hours of continuing education to be awarded for the course.**
- (5) A course outline for each subject to be offered.**
- (6) The fee to be charged for each course.**
- (7) Any other information reasonably requested by the department.**

**(c) An application for approval of a continuing education course must be received by the department not less than thirty (30) days before the date scheduled for the course. The department shall approve, approve with conditions, or deny the application not more than ten (10) business days after receiving the application.**

**(d) Not more than forty-five (45) days after the continuing education course is concluded, the person conducting the course must submit the following to the department on a departmental form:**

- (1) The name of the person or organization presenting the continuing education course.**
- (2) The title of the course.**
- (3) The date, location, and time schedule of the course.**
- (4) The name of each individual attending the course.**
- (5) The well driller license number or pump installer license number, or both, for each person attending the course.**
- (6) The number of hours of continuing education each person received.**

**(e) The department shall maintain and make available to the public a list of future courses that are approved to meet the continuing education requirements of this rule. (*Natural Resources Commission; 312 IAC 13-2-3.5*)**

**SECTION 20. 312 IAC 13-2-3.7 IS ADDED TO READ AS FOLLOWS:**

**312 IAC 13-2-3.7 Waiver or modification of continuing education requirements**

**Authority: IC 25-39-3-2; IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 3.7. A licensed water well driller or water well pump installer may apply in writing to the department for a waiver or modification of the continuing education requirements of this rule if the well driller or pump installer:**

- (1) establishes that an emergency existed during the period for which the continuing education was required;**

- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or**
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.**

*(Natural Resources Commission; 312 IAC 13-2-3.7)*

SECTION 21. 312 IAC 13-2-6 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-2-6 Well records**

**Authority: IC 25-39-4-1; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 6. **Within thirty (30) days after completion of a well**, a water well driller must submit, on a departmental form or division-approved form, accurate records for each well drilled to include the following information:

- (1) The method of well construction.
- (2) The proposed use of the well, for example:
  - (A) residential;
  - (B) industrial;
  - (C) monitoring; or
  - (D) dewatering.
- (3) Pumping information, including each of the following:
  - (A) The type of pump and the depth of the pump setting (if applicable).
  - (B) Whether the well was bailer, air, or pump tested.
  - (C) The test rate and length of time of test pumping.
- (4) Specifications for the well casing and the well screen.
- (5) The inside diameter of the well.
- (6) The total depth of the well.
- (7) The static water level in the well.
- (8) The name, address, and telephone number of the owner (and the builder, if different from the owner).
- (9) The name and address of the drilling company.
- (10) The name and license number of the equipment operator.
- (11) The type and thickness of formations or materials encountered, including **the following**:
  - (A) Color.
  - (B) Hardness. ~~and~~
  - (C) A geological description.
- (12) A statement of the accuracy of the information contained on the form that is signed by the water well driller or ~~his~~ **an** authorized representative upon an affirmation or attestation.
- (13) The type, depth, and thickness of grouting materials and method of installation.
- (14) Specific roadway directions to the well, including a reference to the nearest major highway or street intersection.

*(Natural Resources Commission; 312 IAC 13-2-6; filed Nov 22, 1999, 3:34 p.m.: 23 IR 766; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA)*

SECTION 22. 312 IAC 13-3-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-3-1 Operations at drilling site**

**Authority: IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 1. A water well driller ~~shall~~ **or water well pump installer must** operate all equipment according to generally accepted standards in the industry. The driller **or pump installer** is responsible for initiating, maintaining, and supervising operations and ~~shall~~ **must** take appropriate precautions to prevent damage, injury, or other loss to persons and property at the drilling site. (*Natural Resources Commission; 312 IAC 13-3-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 766; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 23. 312 IAC 13-4-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-4-3 Pitless units and pitless adapters**

**Authority: IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 3. (a) A pitless unit shall: ~~do the following:~~

- (1) extend the upper end of the well casing at least one (1) foot above the ground level; **and**
- (2) be affixed to the well casing in a manner that is watertight by:

- (A) threading;
- (B) welding (including gluing); or
- (C) a mechanical connection.

(b) The cap, cover, or seal of the pitless unit shall:

- (1) be self-draining and overlap the top of the casing extension with a downward flange;
- (2) fit securely on the well casing; and
- (3) be tamper resistant.

(c) A pitless unit shall be installed under 312 IAC 13-3-2(a)(3).

(d) A pitless adapter shall be constructed and installed to:

- (1) prevent the entrance of contaminants ~~in the well~~ through openings in the well casing to which the adapter is attached; **and**
- (2) **provide consistency with the Water Systems Council Listing of Products for PAS-97(04).**

(*Natural Resources Commission; 312 IAC 13-4-3; filed Nov 22, 1999, 3:34 p.m.: 23 IR 767; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 24. 312 IAC 13-4-3.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 13-4-3.5 Water well pump installation**

**Authority: IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 25-39**

**Sec. 3.5. (a) Unless otherwise approved by the department, a water well that is completed:**

- (1) **in an unconsolidated aquifer shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and**
- (2) **in a bedrock aquifer shall be equipped with a pumping apparatus that provides at least fifty (50) feet of available drawdown.**

**(b) This section does not apply to a monitoring well or a dewatering well.**

(*Natural Resources Commission; 312 IAC 13-4-3.5*)

SECTION 25. 312 IAC 13-10-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-10-2 Permanent abandonment of wells**

**Authority: IC 14-10-2-4; IC 25-39-4**

**Affected: IC 25-39**

Sec. 2. (a) A well abandoned before January 1, 1988, must be sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. The well shall be maintained so the well does not become a source or channel of ground water contamination. A well that poses a hazard to human health must also be plugged under subsection (c). A cased or uncased bucket well or a hand dug well (other than buried slab construction) that was abandoned before January 1, 1988, shall be closed in conformance with one (1) of the following procedures:

- (1) Covered with a reinforced concrete slab:
  - (A) at least four (4) inches thick; and
  - (B) having a diameter larger than the nominal diameter of the borehole or the well casing.
- (2) Equipped with a properly reinforced cover:
  - (A) constructed of pressure treated lumber;
  - (B) having dimensions larger than the nominal diameter of the borehole or well casing; and
  - (C) protected against the water with roofing or other water repelling materials that are properly maintained to ensure the integrity of the cover.

Closure shall not be performed under this subdivision, however, if the cover is in direct contact with ground water or surface water.

- (3) Closed as otherwise approved by the division.

(b) A well drilled before January 1, 1988, and abandoned before January 1, 1994, shall be as follows:

- (1) Sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap.
- (2) Maintained so the well does not become a source or channel of ground water contamination.

A well that poses a hazard to human health must also be plugged under subsection (c).

(c) A well abandoned after December 31, 1987, shall be plugged by a water well driller **or water well pump installer** with an impervious grouting material to prevent the following:

- (1) Migration of materials or fluids in the well.
- (2) Loss of pressure in a confined aquifer.

(d) A well drilled after December 31, 1987, and not equipped with casing must be plugged by a water well driller within seventy-two (72) hours after completion.

(e) This subsection applies as follows to a cased or uncased well abandoned after December 31, 1987:

- (1) The plugging material must consist of one (1) or a combination of the following:
  - (A) Neat cement with not more than five percent (5%) by weight of bentonite additive.
  - (B) Bentonite slurry, which can include polymers designed to retard swelling.
  - (C) Pelletized, medium grade, or coarse grade crushed bentonite.
  - (D) Other materials approved by the commission.
- (2) The following methods apply:
  - (A) Cement and bentonite slurries shall be pumped into place in a continuous operation with a grout pipe introducing the plugging material at the bottom of the well and moving the pipe progressively upward as the well is filled.
  - (B) Plugging materials other than neat cement or bentonite slurry shall be installed in a manner to prevent bridging of the well or borehole. The well or borehole shall be

measured periodically throughout the plugging process to ensure that bridging does not occur.

(3) The following procedures apply:

(A) An abandoned well shall be disconnected from the water system. Any substance that may interfere with plugging shall be removed, if practicable.

(B) A well, other than:

- (i) a monitoring well;
- (ii) a dewatering well; or
- (iii) an uncased borehole;

shall be chlorinated before abandonment as provided in 312 IAC 13-9-1.

(4) **Unless otherwise approved by the department**, a cased well shall be plugged as follows:

(A) With neat cement, bentonite slurry, or medium grade or coarse grade crushed or pelletized bentonite from the bottom of the well to within two (2) feet below the ground surface. ~~unless otherwise provided by the department.~~

(B) The well casing shall be severed at least two (2) feet below the ground surface, and a cement plug larger in diameter than the borehole shall be:

- (i) constructed over the borehole; and
- (ii) covered with natural clay material to the ground surface.

(5) An uncased well (other than a borehole drilled by a bucket rig or a dewatering well governed by subdivision (8) or (9)) shall be filled with:

- (A) natural clay materials;
- (B) neat cement;
- (C) bentonite slurry; or
- (D) medium grade or coarse grade crushed or pelletized bentonite;

from the bottom of the borehole to a depth of not less than twenty-five (25) feet below ground surface. The borehole shall be filled with neat cement or medium grade or coarse grade crushed or pelletized bentonite from a depth not less than twenty-five (25) feet below ground surface to within two (2) feet below ground surface. The remaining borehole shall be filled with natural clay material to ground surface.

(6) A cased or uncased monitoring well shall be plugged from the bottom of the well or borehole to the ground surface with a:

- (A) bentonite slurry; or
- (B) pelletized or coarse grade crushed bentonite.

(7) A bucket well shall be plugged as follows:

(A) A bucket well installed as buried slab construction shall be filled with gravel from the bottom of the well to within ten (10) feet below the ground surface. Neat cement, bentonite slurry, or pelletized, medium grade, or coarse grade crushed bentonite shall be installed in the casing or well pipe from not less than ten (10) feet below the ground surface to within two (2) feet below the ground surface. The well pipe shall be:

- (i) severed at least two (2) feet below the ground surface; and
- (ii) covered with a cement plug larger in diameter than the well pipe.

The remaining hole shall be filled with natural clay material to the ground surface.

(B) Bucket well construction:

- (i) using casing with an inside diameter of less than twelve (12) inches extending the entire length of the borehole; and
- (ii) equipped with a well screen;

shall be abandoned under subdivision (4)(A).

(C) An uncased borehole drilled by a bucket rig shall be filled with natural clay material:

- (i) from the bottom of the hole to the ground surface; and
- (ii) thoroughly tamped to minimize settling.

(D) For other than buried slab construction, a bucket well shall be filled with gravel from the bottom of the well to at least five (5) feet below ground surface. The top section of the concrete or tile well casing shall be removed to cause the top of the well to terminate below ground surface. The well shall be filled with at least one (1) foot of:

- (i) neat cement;
- (ii) bentonite slurry; or
- (iii) pelletized, medium grade, or coarse grade crushed bentonite;

from at least five (5) feet below ground surface to the top of the well casing. The well casing shall be covered with a cement plug larger in diameter than the borehole. The remaining hole shall be filled with natural clay material to ground surface.

(8) If a dewatering well casing is removed following use, the remaining borehole shall initially be filled with granular, pelletized, medium grade, or coarse grade crushed bentonite a minimum of one (1) foot thick. The remainder of the borehole shall be:

- (A) filled with natural earth materials obtained during the drilling process to the ground surface; and
- (B) thoroughly tamped to minimize settling.

(9) If a dewatering well casing is removed following use and the well site will be excavated as part of the construction project, the remaining borehole shall be:

- (A) filled with natural earth materials obtained during the drilling process to the ground surface; and
- (B) thoroughly tamped to minimize settling.

(f) The division shall be notified in writing of a well abandonment within thirty (30) days after plugging is completed. (*Natural Resources Commission; 312 IAC 13-10-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 773; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 14, 2006, 1:23 p.m.: 20060809-IR-312050341FRA; errata filed Apr 13, 2010, 2:06 p.m.: 20100428-IR-312100231ACA; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 26. 312 IAC 13-11-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-11-1 Inspections; compliance**

**Authority: IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 25-39**

Sec. 1. A conservation officer or another representative of the department may:

- (1) observe the installation of a water well or pump; and ~~may~~
- (2) inspect equipment used to drill a well **or install a pump.**

Work that does not comply with this article or IC 25-39 must be promptly corrected by the water well driller **or water well pump installer**. Work that is covered contrary to the request of a department representative must, upon request, be uncovered for inspection and replaced by the water well driller **or pump installer**. (*Natural Resources Commission; 312 IAC 13-11-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 27. 312 IAC 13-11-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-11-2 Inspections by the department of records of a water well driller or water well pump installer**

**Authority: IC 25-39-4**

**Affected: IC 25-39**

Sec. 2. A conservation officer or another representative of the department may, at any reasonable time, inspect any record maintained by a water well driller **or water well pump installer** that is needed to comply with IC 25-39 or this article. (*Natural Resources Commission; 312 IAC 13-11-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 28. 312 IAC 13-12-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-12-1 Administrative enforcement**

**Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 4-21.5; IC 25-39**

Sec. 1. (a) This rule governs enforcement of IC 25-39 and this article by the department under IC 4-21.5 and 312 IAC 3-1.

(b) This rule does not limit the authority to enforce IC 25-39 and this article through any other lawful method.

(c) This rule does not establish a basis for an action against a water well driller **or water well pump installer** by a person other than the department. (*Natural Resources Commission; 312 IAC 13-12-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 29. 312 IAC 13-12-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-12-2 Suspension or revocation of a license as a water well driller or water well pump installer**

**Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 4-21.5-3-6; IC 4-21.5-4; IC 25-39-4**

Sec. 2. (a) The division may seek to suspend or revoke the license of a water well driller **or water well pump installer** who has done any of the following:

- (1) Acted as a well driller **or water well pump installer** without a license in violation of IC 25-39.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with the requirements set forth in any of the following:
  - (A) IC 25-39-4-1, IC 25-39-4-2, IC 25-39-4-4, IC 25-39-4-5, or IC 25-39-4-6.
  - (B) 312 IAC 13-2 through 312 IAC 13-10.

(b) An action under this section is governed by IC 4-21.5-3-6 and shall be initiated by the division with the issuance of a written notice directed to the person who is the subject of the action. The notice shall include the following:

- (1) A brief description of the order for suspension or revocation. An order for a license suspension shall not exceed a period of effectiveness that exceeds ninety (90) days.
- (2) A declaration that the recipient of the order may seek:
  - (A) a stay of effectiveness of the suspension or revocation;
  - (B) review of the suspension or revocation; or
  - (C) both a stay of effectiveness and review of the suspension or revocation;

by making a written request within eighteen (18) days of issuance addressed to:

Director, Division of Hearings  
Natural Resources Commission

~~Indiana Government Center South~~  
~~402 West Washington Street, Room W272~~  
**Indiana Government Center North**  
**100 North Senate Avenue, Room N501**  
Indianapolis, Indiana ~~46204~~: **46204-2200**.

(c) An order issued by the division under subsection (b) is effective fifteen (15) days after issuance unless the recipient of the order obtains a stay of effectiveness. This subsection does not preclude the department from issuing, under IC 4-21.5-4, an emergency or other temporary order with respect to the license. (*Natural Resources Commission; 312 IAC 13-12-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)

SECTION 30. 312 IAC 13-12-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-12-3 Denial of a new, renewal, or restoration license as a water well driller or water well pump installer**

**Authority: IC 14-10-2-4; IC 25-39-4-2; IC 25-39-4-9**

**Affected: IC 4-21.5-3-5; IC 4-21.5-4; IC 25-39-4**

Sec. 3. (a) The division may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a well driller **or water well pump installer** without a license in violation of IC 25-39.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with the requirements set forth in any of the following:
  - (A) IC 25-39-4-1, IC 25-39-4-2, IC 25-39-4-4, IC 25-39-4-5, or IC 25-39-4-6.
  - (B) 312 IAC 13-2 through 312 IAC 13-10.

(b) An action under this section is governed by IC 4-21.5-3-5 and shall be initiated by the division with the issuance of a written notice directed to the applicant and to any person who has requested notice under IC 4-21.5-3-5(b)(4). The notice shall include the following:

- (1) A brief description of the denial order and the basis for the denial.
- (2) A declaration that the recipient of the order may seek administrative review by making a written request within eighteen (18) days of issuance addressed to:

Director, Division of Hearings  
Natural Resources Commission  
~~Indiana Government Center South~~  
~~402 West Washington Street, Room W272~~  
**Indiana Government Center North**  
**100 North Senate Avenue, Room N501**  
Indianapolis, Indiana ~~46204~~: **46204-2200**

(c) If:

- (1) the division orders the denial of a license renewal; and
- (2) a timely and sufficient application was made for renewal of the license;

the existing license does not expire until the commission has disposed of a proceeding. This subsection does not preclude the department from issuing, under IC 4-21.5-4, an emergency or other temporary order with respect to the license. (*Natural Resources Commission; 312 IAC 13-12-3; filed Nov 22, 1999, 3:34 p.m.: 23 IR 775; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: 20110615-IR-312110002RFA*)



